

**875—218.313(91D) Fee basis.**

**218.313(1)** The requirements for exemption as a professional (or administrative) employee may be met by an employee who is compensated on a fee basis as well as by one who is paid on a salary basis.

**218.313(2)** Reserved.

**218.313(3)** The adequacy of a fee payment. Whether the fee amounts to payment at a rate of not less than \$340 per week to a professional employee or at a rate of not less than \$310 per week to an administrative employee can ordinarily be determined only after the time worked on the job has been determined. In determining whether payment is at the rate specified, the amount paid to the employee will be tested by reference to a standard workweek of 40 hours. Thus, compliance will be tested in each case of a fee payment by determining whether the payment is at a rate which would amount to at least \$340 per week to a professional employee or at a rate of not less than \$310 per week to an administrative employee if 40 hours were worked.

SOURCE: 29 CFR 541.313.